

CITY OF MORGAN HILL
SPECIAL AND REGULAR CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - MARCH 1, 2000

Mayor/Chairman Kennedy called the meeting to order at 6:05 p.m.

ROLL CALL

Present: Council/Agency Members Chang, Cook, Sellers, Tate and Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

CLOSED SESSION:

Interim City Attorney/Agency Counsel Leichter announced the following closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority:	Government Code 54956.8 & 54956.9(c) (1potential case)
Real Properties involved:	APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Mission View and Cochrane Road; and APN 728-31-009 - 12.88 acres located on the southeast corner of Cochrane and Highway 101 (St. Louise Hospital property)
City Negotiators:	Mayor, City Council/Agency Members; Interim City Manager/Interim Executive Director; Interim City Attorney/Interim Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic:	Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:

Significant exposure to litigation pursuant to subdivision (b)(1) of Government Code Section 54956.9: (1 case)	
Attendees:	Mayor/Executive Director/City Council/Redevelopment Agency, Director of Public Works, Interim City Manager/Interim Executive Director, Interim City Attorney/Interim Agency Counsel

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Berger v. City of Morgan Hill</u>
Case Number:	Court of Appeal, Sixth Appellate District; H016328; Superior Court No: 687887
Parties:	Richard B. Berger and Jo Ann Berger
Topic:	Litigation.
Attorney:	Helene Leichter
Attendees:	Councilmembers; Interim City Manager; Interim City Attorney

4.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION

Legal Authority: Government Code Section 54956.8
Real property(ies) involved: Apostolic Church Property APN 726-13-002; 17060 Monterey Road,
Morgan Hill
Agency Negotiators: J. Edward Tewes, Interim City Manager/Interim Executive Director;
Garrett Toy, Director of Business Assistance & Housing Services
Closed Session Topic: Acquisition of Real Property

5.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY TRANSACTION

Legal Authority: Government Code Section 54956.8
Real property(ies) involved: *The Father's House*, First United Pentecostal Church; APN 767-18-044;
271 West Edmundson Avenue
Agency Negotiators: J. Edward Tewes, Interim City Manager/Interim Executive Director;
Garrett Toy, Director of Business Assistance & Housing Services; Julie
Spier, Recreation Manager
Closed Session Topic: Acquisition of Real Property

ADJOURN TO CLOSED SESSION

Mayor/Chairman Kennedy adjourned the meeting to closed session at 6:07 p.m.

RECONVENE

Mayor Kennedy reconvened the meeting at 7:10 p.m.

CLOSED SESSION ANNOUNCEMENT:

Interim City Attorney/Agency Counsel Leichter deferred the announcement of closed session items to the end of the agenda.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

At the invitation of Mayor Kennedy, Interim City Manager Tewes led the Pledge of Allegiance.

PROCLAMATIONS

Mayor Kennedy presented a proclamation to Ruth Crosby, declaring the week of March 13-19, 2000 as *Science Fair Week*.

INTRODUCTIONS

Chief of Police Schwab introduced the recently hired *Police Department* personnel as follows: Eloisa Gamez, *Police Cadet*; Brandon Richards, *Police Cadet*; Jennifer Kehl, *Police Support Services Specialist II Trainee* and Connie Shepard-Thompson, *Police Support Services Specialist II*.

CITY COUNCIL REPORT

Council/Agency Member Cook reported on the following: 1) She has visited three sewer treatment plants in California as bench marks for the sewer treatment plant audit that is being conducted by the South County Regional Wastewater Authority (SCRWA). She also reviewed different types of plants and their operations as well as the different consulting operating firms as the Cities of Gilroy and Morgan Hill are evaluating the firm that it is currently using. 2) She has been working on the Santa Clara Valley Water District audit committee for the water enterprise fund that affects residents water bills. She felt that great progress was being made and that the work would be concluded in approximately a month. 3) The Pollution Prevention Committee, a countywide committee, met last month and approved a work plan. Several interesting issues will be reviewed, one of which is mercury discharge into the water supply, most of which comes from dental fillings. 4) The General Plan Update Committee will be holding a couple of more meeting, noting that a report will be presented to the community by the end of April or May.

INTERIM CITY MANAGER'S REPORT

Interim City Manager Tewes reported that the City Council authorized staff to engage the services of a consulting group to develop a feasibility study on the range of options for health care. The report will be presented at the Council's March 15 meeting. He announced the appointment of Jack Dilles, the City's new Finance Director, and will begin work for the City of Morgan Hill in a couple of weeks.

INTERIM CITY ATTORNEY'S REPORT

Interim City Attorney Leichter indicated that the monthly Litigation Summary Report has been distributed. There are six active cases and that it is her hope to have some of these cases resolved two of the cases as the city is engaged in active mediation and/or settlement discussions.

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the floor to public comment. No comments were offered.

Mayor/Chairman Kennedy congratulated the boys and girls Live Oak High School Soccer teams for their excellent performance in the Central Coast Section final championship playoffs.

City Council Action

CONSENT CALENDAR:

Council Member Cook requested that item 4 and Mayor Kennedy requested that items 5 and 6 be removed from the Consent Calendar.

Action: *On a motion by Council Member Cook and seconded by Mayor Pro Tempore Tate, the City Council unanimously (5-0) approved the Consent Calendar as follows:*

1. **A RESOLUTION IN SUPPORT OF A COUNTY GRANT PROPOSAL TO PROVIDE ENHANCED JUVENILE JUSTICE PROGRAMS - Resolution No. 5353**

Action: Approved Resolution No. 5353.

2. **PURCHASE REPLACEMENT POLICE PATROL VEHICLES**

Action: Authorized the Purchase of Seven Police Patrol Vehicles at a Total Cost of \$164,050.

3. **ACCEPTANCE OF THE DRILLING OF NORDSTROM PARK WATER WELL PROJECT**

Action: 1. Accepted as Complete the Drilling of Nordstrom Park Water Well Project in the Final Amount of \$114,879; and 2. Directed the City Clerk to File the Notice of Completion with the County Recorder's Office.

7. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) QUARTERLY REPORT NO. 1**

Action: Accepted the Report by Minute Action.

4. **ACCEPTANCE OF THE NOB HILL SEWER REALIGNMENT PROJECT**

Council Member Cook asked why Redevelopment (RDA) monies were not being used for this project as the project is located in the downtown area and in the heart of the RDA district? She felt that this would be an appropriate expenditure of RDA funds versus taking money from the general fund that can be used for other projects throughout the city. She stated that she would prefer the use money of general fund monies to support activities in other parts of the city and RDA funds to be used in the downtown area.

Director of Public Works Ashcraft said that it may be possible to use RDA funds if certain findings can be made. He noted that this is a small project and that every year staff budgets approximately \$200,000 for sewer main replacements throughout the city from the Sewer Replacement fund. Staff would return to the RDA if this is the desire of the City Council/Redevelopment Agency to fund the project. He indicated that the project has been completed and would result in the reimbursement to the Wastewater fund should the Agency fund the project.

Council Member Cook requested that the City Council consider placing this item on an RDA agenda to address this issue.

Mayor Kennedy requested that staff agendize this item for a future RDA agenda.

Action: On a motion by Mayor Pro Tempore Tate and seconded by Council Member Cook, the City Council unanimously (5-0): 1) Accepted as Complete the Nob Hill Sewer Realignment Project in the Final Amount of \$45,234.21, and 2) Directed the City Clerk to File the Notice of Completion with the County Recorder's Office.

5. **LETTER OF SUPPORT FOR SCA 3 (BURTON)**

Mayor Kennedy stated that the action before the City Council is a resolution in support of SCA 3, a California State Senate Measure pending on the Assembly Floor. This measure would authorize a ½ cent sales tax to be continued for 20 years with a simple majority vote rather than a **b** majority vote to fund transportation projects. He felt that the measure is important to our area because of the traffic congestion and the need for improvements to the highways, freeways, and mass transit system. The Council will be voting on a resolution in support of extending the ½ cent sales tax by a simple majority vote rather than a **b** vote.

Action: *On a motion by Council Member Cook and seconded by Council Member Sellers, the City Council unanimously (5-0) **Authorized** the Mayor to Sign the Letter of Support and Send it to the Governor.*

6. ADOPTION OF RESOLUTIONS FOR FUNDING ALLOCATION BY THE CALIFORNIA TRANSPORTATION COMMISSION FOR THE COMPLETION OF THE AT-GRADE PEDESTRIAN RAILROAD CROSSING AT THE DOWNTOWN TRANSIT CENTER - Resolution Nos. 5354 and 5355

Mayor Kennedy requested that staff present a status report.

Director of Public Works Ashcraft indicated that he has been speaking with the Public Utilities Commission on a daily basis regarding the anticipated date for the permit to be issued. He has been advised that a permit will be issued any week, noting that this project has been ongoing since 1994.

Mayor Kennedy requested that staff investigate the city's ability to remove or facilitate the removal of the rail spur to expedite the project.

Mr. Ashcraft indicated that he would investigate Mayor Kennedy's suggestion.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Sellers, the City Council unanimously (5-0) **Adopted** Resolution No. 5354 Assuring Compliance with the Various Conditions and Requirements of the California Transportation Commission for the Allocation of Transit Capital Improvement Funds to the Downtown Transit Center Pedestrian Crossing Project; and 2) **Adopted** Resolution No. 5355 Indemnifying the State Against Hazardous Materials Remediation for the Downtown Transit Center Pedestrian Crossing Project.*

PUBLIC COMMENT

Action: *By consensus, the City Council agreed to reopen the public comment portion of the meeting.*

Chuck Toeniskoetter informed the City Council that he has worked hard to put together the Madrone Business Park. He said that the approval of an assessment district will be coming before the city council for the improvements to the Madrone Business Park. A project that will be moving to the Madrone Business Park is the Media Arts Corporation. Leases have been signed for 273,000 square.

Also, the first New York stock exchange company will be headquartering in Morgan Hill. He felt that other companies similar to this one will have an interest in locating in Morgan Hill. He is excited to have Thomas Kinkade in his Business Park and thanked the City Council for its cooperation and support.

Mayor Kennedy stated that last Thursday, and he was fortunate to meet Mr. Kinkade to talk to him about his vision for his facility in Morgan Hill. He said that Mr. Kinkade is excited about coming to Morgan Hill. Mr. Kinkade has indicated that he will do a painting of downtown Morgan Hill and that he will be introducing himself at one of the community's upcoming events. The city looks forward to having a media arts and Thomas Kinkade in Morgan Hill. He thanked Mr. Toeniskoetter for his efforts in putting the Business Park together. He introduced Norm Mason, Board of Directors of Media Arts Corporation.

OTHER BUSINESS:

8. AMENDMENT TO CONTRACT WITH THE SANTA CLARA COUNTY FIRE DEPARTMENT TO PROVIDE PARAMEDIC-LEVEL SERVICE

Interim Human Resources Manager Dile presented the staff report. She indicated that representatives from the County Emergency Medical Services (EMS) Agency and the County Fire Department were present to answer any questions that the City Council may have. She addressed the reasons that negotiations did not take place sooner.

Council Member Chang inquired as to the estimated cost for the enhanced services in future years? Ms. Dile said that increased costs would be folded into the annual contract. The cost will go up each year based on either the Consumer Price Index (CPI) or the negotiated salary increases that county fire personnel receive. She indicated that the annual increase is not known at this time. Should the CPI increase by 4% next year, the contract would be \$100,000 plus 4%. She indicated that the city has entered into a 10-year contract and that the city is in its fifth year of the contract, therefore, five years remain in the contract.

Mayor Kennedy felt that it was important that the city provides paramedic services due to the closure of the emergency facilities at the St. Louise Hospital and the backlog of patience and long wait times at the emergency facilities in Gilroy, including the time it takes to access the Gilroy facility. He recommended that the services be for a year or two to see if this is the service that the City wants to provide on a long term basis.

Council Member Chang felt that once you start paramedic services, it would be difficult to eliminate. She asked if staff looked at future budgets to determine if paramedic services can be supported in the city's five year plan? Ms. Dile stated that finance staff has included paramedic service in the on going general fund expenditure projections each year.

Interim City Attorney Leichter informed the City Council that staff could draft a contract provision that would result in bringing the contract before the City Council annually and that the contract be reviewed in connection with the performance of the program and the responses, if County Fire was

amenable to this type of restriction. This would result in an annual review of performance and the Council's intent to renew paramedic service.

Mayor Kennedy stated his support of Ms. Leichter' suggestion.

Ms. Dile stated that staff has concerns that the provision of emergency medical services is very fluid at this time. There are a lot of aspects that affect the provision of services, including how the city interacts with other agencies. She indicated that the final contract with AMR has not been negotiated. Therefore, staff does not know what the contract will look like and the level of service that would result for Morgan Hill. In addition, staff will be starting the Fire and Emergency Medical Services Master Plan. This would result in an exhaustive look at the city's current level of services and looking at ways to improve these services. Staff would return to the City Council with options on how the city should provide fire, medical and emergency services. Staff expressed concern that if staff is in a position to negotiating a contract at this time, this would be one less option that the city would be able to present to the city council in the future as part of the master plan. The city would be making a commitment to the general fund that might not be easy to get out of. Staff is aware that the city would be receiving additional information by the end of the calendar year that the city council may wish to review before it makes a commitment. Staff would need to negotiate with County Fire for paramedic services. Once the contract is signed, paramedic services would be provided.

Fire Chief Sporleder stated that the County Fire Department is excited about providing a paramedic service enhancement to Morgan Hill. He said that this service is currently being provided to the community 75% of the time. County fire could start paramedic services on a full time basis as soon as the City Council gives its approval as there are enough paramedics trained and that it would become part of the system. He identified the advantages of having trained paramedics in the community. He said that the fire truck apparatus and paramedics will be equipped with the proper tools and equipment to perform an emergency intervention. However, they would not be equipped with everything that an ambulance would have. He noted that County Fire is responsible for eight cities, including the unincorporated areas. Seven cities and the unincorporated areas are paying for paramedic services and that this service cannot be taken away and bring it to Morgan Hill who is not paying for this service.

Pam West, County Emergency Medical Services Coordinator, felt that it was important to provide paramedic services even with St. Louise Regional. She said that the county is trying to bring to Santa Clara County a complete EMS system. It is important to get a paramedic to the scene within seven minutes. The program is being set up so that the fire departments can train fire personnel as paramedics so that they can make the first response quicker. This service is important now that the hospital has moved and there is a longer distance to access the hospital. EMS has been working with St. Louise Regional in terms of their diversion and their staffing of the emergency department. She did not expect this situation to improve too rapidly. She felt that each city should have paramedic first response services.

Mayor Kennedy opened the floor to public comment.

Art Marshall informed the City Council that he is president of the Santa Clara County Fire Fighters

Association and is also a paramedic within the County Fire Department. He stressed the importance of having paramedic service in this community and that this is the greatest service enhancement that has occurred to the fire service in many years. He informed the City Council that it took approximately 1,200 hours to become a certified paramedic and the requirement to keep all licences current while EMS classroom training is ongoing in the department with testing occurring every two years.

Council Member Cook noted that the City has a mutual aid agreement with California Department of Forestry (CDF). She asked if CDF is called upon for mutual aide, if needed?

Fire Chief Sporleder responded that if there is a need for a second paramedic, one would be called from the Dunne/Hill fire station or South County Fire.

No further comments were offered.

Council Member Cook said that it did not help that staff could not define a set of performance standards or that it could make a clear distinction that this is a valuable service. Staff indicates that 90 out of 600 patients who have requested emergency services go to hospitals. She noted that patients can only go to a free standing hospital at this time and not taken to a doctor's office or urgent care. She felt that the City should be working with the county expressing the community's needs to make sure that when staff negotiates with AMR that there are enough ambulances in south county. She expressed concern that the city will be spending a lot of money for a Fire Master Plan that will be completed in the next six to seven months. The City has spent \$100,000 for a feasibility medical study in the community. The City Council will be taking an action this evening that does not fit all the pieces together. She was not comfortable in making this commitment at this point because it may not be exactly what the city needs. She recommended that action be deferred until after AMR has its contract and that the Fire Master plan is completed or that the City reviews the medical feasibility study.

Mayor Pro Tempore Tate said that it was his belief that paramedic service was included as part of last year's budget. Staff was directed to negotiate with County Fire to ensure that paramedic services would be provided. He was never of the opinion that you can quantify the benefits of saving lives because you have first response capabilities that can actually save lives. He said that the implementation of paramedic services has been a goal of his since he assumed office as a council member. Therefore, he was ready to approve this service tonight.

Council Member Sellers felt that Council Member Cook's comments were valid. He agreed that the Council did not have all the information and that additional information would be provided in the next six to eight months. He said that he would like to figure out a way to provide paramedic services in the interim and to allow modifications and flexibility to the contract based on the results of the fire master plan, other information to be provided, and the budget. He felt that paramedic services was needed given the city's current situation. He would like to negotiate with county fire for paramedic services with the understanding that there has to be some leeway in the contract so that it can be modified within the next year.

Council Member Chang concurred with Council Member Sellers' comments. She asked if these services could be provided on a short term basis as additional information would be provided at a later date and reviewed as part of the upcoming budget?

Mayor Kennedy stated his support of Interim City Attorney Leichter's recommendation that the City Council discuss renewal of the contract with an annual performance review. He said that he has no problem supporting the action because of the concern for the safety and well being of the members of the community. Investing \$100,000 a year would be a small insurance price to pay to save lives.

Mayor Pro Tempore Tate suggested that staff negotiate the best price and the best conditions in terms of being able to bring back the contract and implementing paramedic services as soon as possible.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **Directed Staff** to Negotiate a Contract with County Fire for Paramedic-level Service, which will include Benchmarks to Measure the Impact of this Service Enhancement.*

9) EARLY CHILDHOOD EDUCATORS CONFERENCE

Recreation Manager Spier presented the staff report.

In response to Mayor Pro Tempore Tate's question about a procedure for filtering founding requests, Interim City Manager Tewes informed the City Council that some cities, at the out set of the budget, reserve a dollar amount for sponsorships. Therefore, a city can have a formal or informal screening of requests for funding such as the one currently being conducted by the Mayor.

Council Services and Records Manager Torrez informed the City Council that with the approval of funding for the Women's Advocacy Group, staff requested that 10 sponsorship slots be reserved for Morgan Hill residents. The Women's Advocacy Group agreed to do so. Staff can also request that sponsorship slots be reserved for Morgan Hill residents to ensure that the funding benefits Morgan Hill residents interested in attending the Early Childhood Education Conference.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Chang, the City Council unanimously (5-0) **agreed** to Sponsoring the Conference with a Donation of \$500.*

Council Member Chang stepped down from the dias.

10) CITY HALL EXPANSION - CONTINUED CONSIDERATION

Director of Public Works Ashcraft presented the staff report.

Interim City Manager Tewes said that staff looked at ways to minimize the costs by minimizing the extent of the remodeling within the existing building. Staff believes that the most economical and best solution for the interim period is to proceed with these temporary facilities.

Mayor Kennedy expressed concern that the City may end up with something that looks like modular units sitting on a piece of asphalt.

Leslie Miles said that it is proposed to improve the site to give a presence to the building as well as providing a better siting of the building. She said that it would be difficult to change the full appearance of a modular building. However, the building manufacturer indicates that they can provide a similar mansard roof in order to blend it with city hall's roof.

Mayor Kennedy noted that there are several proposals for the civic center site such as the expansion of a library, a future expansion of city hall, or building a new city hall elsewhere and using the existing building for a senior center and/or library. He asked if this temporary city hall expansion would limit future options for the site?

Ms. Miles stated that she has assisted the city for the past 10 years with the rearrangement of office space to accommodate staffing needs. She recommended that this be viewed as a temporary measure but necessary because there is not sufficient space to continue the reorganization of city hall without impacting the council chambers. The expanded parking would result in an interim and long term improvement for visitors and staff.

Council Member Sellers felt that the situation is intolerable when staff is expected to perform to the level expected with existing conditions. He said that the Council understands that there is a problem and felt that the city will need to spend money to improve the space needs. He was pleased that staff was able to review the interior improvements and figure a way to reduce costs. He stated his support of staff's recommended action and felt that it should be expedited. He felt that the City Council owes it to staff and the community to figure out a better long term solution.

Mayor Kennedy said that the community needs to know that staff is extremely crowded and that office spaces are very small. He felt that the city needs to provide an improved quality and working environment in order to improve staff efficiency and morale. Therefore, he would support this action.

Mayor Pro Tempore Tate noted that the city would be spending over half of the funding on improvements that would remain long term. Therefore, he did not believe that a lot of money is being vested on a short term solution.

Council Member Sellers inquired as to the time line to complete the city hall expansion. Mr. Ashcraft felt that the expansion can be completed within six months. He informed the City Council that staff will notify adjacent residents of the proposal and invite them to submit their comments.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion by Council Member Sellers and seconded by Council Member Cook, the*

*City Council, on a 4-0 vote with Council Member Chang absent: 1) **Appropriated** \$430,000 from The AB 1600 Public Facilities Fund Unappropriated Fund Balance for this Interim City Hall Expansion Project, 2) **Directed** Staff to Begin the Process on the Site Review and Environmental Document for Placing a 4320 Square Foot Modular Building to Replace the 600 Square Foot Modular Now Occupied by Recreation and Environmental Programs Manager, and 3) **Directed** Staff to Return to City Council with Contracts to Purchase Modular Office Space and Contracts for Professional Services for Design of the Building and Expanded Parking Lot Fronting the Building.*

City Council & Redevelopment Agency Action

CONSENT CALENDAR:

11. JOINT SPECIAL/REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF FEBRUARY 16, 2000

Action: *On a motion by Mayor Pro Tempore/Agency Member Tate and seconded by Council Member/Vice-chairman Sellers, the City Council/Agency Commission, on a 4-0 vote with Council/Agency Member Chang absent, approved the meeting minutes of February 16, 2000 as submitted.*

City Council Action

8. AMENDMENT TO CONTRACT WITH THE SANTA CLARA COUNTY FIRE DEPARTMENT TO PROVIDE PARAMEDIC-LEVEL SERVICE

Council Member Cook requested that agenda item 8 be reopened for discussion.

Action: *On a motion by Mayor Pro Tempore Tate and seconded by Council Member Cook, the City Council, on a 4-0 vote with Council Member Chang absent, **reopened** discussion of agenda item 8.*

Council Member Cook asked if the Council felt that there were certain issues that it would like to have input as the county continues its negotiations with AMR? She recommended that the city keep pressure on the county to make sure that AMR is providing full services to Morgan Hill.

Mayor Kennedy indicated that he spoke to Pam West and to the AMR representative who indicates that they will be adding another ambulance to South County. He was not sure if this would be enough. He felt that a request for parity, equity or the same level of service/response time in Morgan Hill as is being provided in the rest of the county should be made. He recommended that staff prepare a letter to the county addressing the Council's concerns.

Ms. Dile informed the City Council that the county just received a proposal from AMR earlier this month and that they are in the process of reviewing the proposal. She said that it was not clear

whether cities would have an opportunity to be a part of the review. Any opportunity that the City Council can take outside the review process would be helpful to have the city's view points represented.

Council Member Cook recommended that staff review AMR's proposal and give the County an unsolicited opinion.

Action: *It was the consensus of the Council to direct staff to **receive** copy of the AMR report and **directed** that staff provide City comments.*

Council Member Chang resumed her seat on the dias.

FUTURE AGENDA ITEMS

Council Member Cook recommended that a presentation be made by the Santa Clara Valley Water District to address their new proposed countywide flood assessment issue that will be on the November ballot.

Council Member Chang reported that due to illness, she asked that Mayor Pro Tempore Tate serve in her place as the City Council's representative to the subcommittee to review the proposals and recommend a contract/recruitment process for City Attorney. She requested that the appointment of Mayor Pro Tempore Tate to the subcommittee be scheduled for formal action.

Mayor Pro Tempore Tate thanked Interim City Attorney Leichter for providing the City Council with the current procedures for ending a debate. However, he requested that the discussion of the level of formality the Council wishes to adopt to end a debate be scheduled for a future meeting.

Interim City Attorney Leichter informed the City Council that it adopted Sturgis' Code. The Code provides that government agencies do not need a second to motions. She recommended the Council discuss whether it wants to continue its current practice and amend its current policy.

ADJOURN TO CLOSED SESSION

Mayor Kennedy adjourned the meeting to closed session at 9:08 p.m.

RECONVENE

Mayor Kennedy reconvened the meeting at 9:40 p.m.

CLOSED SESSION ANNOUNCEMENT

Interim City Attorney Leichter announced that no reportable action was taken on the above listed closed session items.

ADJOURNMENT: There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:41 p.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, City Clerk